THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20364 OF 2005

DATED:15.9.2005

Between:

M/s. Lakshmi Ganapati Paper Mills Ltd.

and others

…Petitioners

And

The Assistant Director,

Survey & Land Records,

Office of the Collector,

Ranga Reddy District and others.

…Respondents

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ORDER:

The petitioners allegedly purchased an extent of Ac.0.30 gts. of land in S.No.79 of Raidurg Panmaqta Village, Serilingampalli Mandal, Ranga Reddy District under three registered sale deeds in 2003. According to them, the mandal surveyor conducted survey on 25.8.2003 and fixed the boundaries. It is alleged that at the instance of third parties for resurvey of the land second respondent issued a notice on 9.9.2005 requesting the petitioners to be present on the spot at the time of demarcation of S.No.77. Nothing prevented the petitioners from approaching second respondent at the time of survey and to show the boundaries or earlier proceedings under which a survey was conducted. Curiously, present Writ Petition is filed praying for the following relief.

To issue a writ or order or direction more particularly in the nature of writ of mandamus declaring the action of respondent Nos.1 and 2 in proposing to demarcate the boundaries of Survey No.77 only without demarcating the boundaries of adjacent Survey Nos.78, 79 and 80/2 situated at Raidurg Panmaqta Village, Serilingampalli Mandal, R.R.District as arbitrary, illegal, capricious and violative of principles of natural justice and consequently direct the respondents 1 and 2 to consider the representation made by the petitioners vide letters dt.27.5.2005 and 4.6.2005.

After hearing the learned counsel for the petitioners and perusing the record, this Court is of considered opinion that the relief as prayed, extracted above, in plain terms, cannot be granted in proceedings under Article 226 of the Constitution of India. The law permits every land owner to seek survey and also re-survey and it does not prohibit authorities from conducting survey or rectifying the mistakes in the survey conducted earlier. All the persons interested in the matter were already given notices and petitioners can give all the objections before respondents at the time of survey.

The Writ Petition with the above observations is dismissed. No costs.

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(V.V.S.RAO, J)

15.9.2005

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